

In the Matter of License No. 247748 Merchant Mariner's Document No.  
Z-85164-D5 and all other Seaman Documents  
Issued to: EDWARD U. JONES

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1442

EDWARD U. JONES

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 12 September 1963, an Examiner of the United States Coast Guard at New York, New York, suspended Appellant's seaman documents for six months on twelve months' probation upon finding him guilty of misconduct. The specification found proved alleges that while serving as a Third Assistant Engineer on board the United States SS BARBARA JANE under authority of the license above described, on 21 May 1962, Appellant assaulted and battered the Second Mate while the ship was at Nagasaki, Japan.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of not guilty to the charge and specification.

Due to the exclusion of other testimony offered by the Investigating Officer, the Examiner's conclusion that Appellant was guilty as alleged is predicated solely on the testimony of the Third Mate. He stated that he saw Appellant and the Second Mate arguing while standing on the catwalk facing each other for a matter of seconds before Appellant struck the Second Mate in the face. The Examiner accepted this as credible evidence and rejected Appellant's testimony (the only evidence in defense) that he did not hit or attempt to hit the Second Mate until Appellant was falling to the deck after having been struck by the Second Mate. In addition to the Examiner's observation of the two witnesses, he reasoned that although the Third Mate admitted it was possible that the Second Mate had hit Appellant before the Third Mate started to observe the two seamen, this was unlikely since Appellant indicated that he was falling to the deck before he tried to strike the Second Mate. The latter version as to when Appellant first hit or attempted to hit the Second Mate is inconsistent with the Third Mate's account that both seamen were standing and there was no evidence of a fight until Appellant struck the Second Mate.

APPEARANCE FOR APPELLANT: Pressman and Scribner of New York  
City by Ned R. Phillips, Esquire, of  
Counsel

The order of the Examiner dated at New York, New York, on 12 September 1963, is AFFIRMED.

Signed at Washington, D. C., this 30th day of January 1964.